IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 12885 of 1987

Between:

Raja Gopal S/o Raman
Raja Gopal 6-6-9, Vanniar Block
Santhapet Chittor

..... PETITIONER

AND

1 The Chief Minister, Government of A.P., HYD.
2 The Home Minister, Government of A.P., HYD.
3 The Chief Secretary, Govt. of A.P., HYD.
5 The Secretary, Social Welfare Dept. Govt. of A.P., HYD
6 The Dist Collector, Chitroor.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit

filed herein the High Court will be pleased to issue an order, direction, or writ, more particularly one in the nature of writ of mandamus

directing the respondents herein to provide some money for the livelihood of petitioner and his wife at their old age by way of compensation and pass such other order or orders as this Honourable court deems fit and proper in the circumstances of the case.

For the Petitioner : MR.ANDAPALLI SANJEEV KUMAR, Advocate.

For the Respondents : GP FOR SOCIAL WELFARE
M/s Mohana.

The Court Made the Following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. On 21st August, 1987 Raja Gopal S/o Raman, Santhapet, Chittoor, addressed a letter to the Chief Justice complaining that his only son Juttu alias Muthugan, 25 years of age, doing carpentry work, was the only earning member of the family. He was involved in a criminal case and while he was in remand, he fell sick and was brought to Chittoor Hospital from Sub-Jail, Chittoor, for treatment. On 25.02.1982 while his son was in prisoner's cell at Chittoor Government Hospital, escort party opened fire and shot dead his son. As a result of the death of his son, he lost his only source of livelihood. He prayed that a direction be issued to the Government to provide

some money.

2. The petition was treated as public interest litigation and notice was issued to the respondents. On 13.09.2000 Mr. P.V.Satyanarayana Murthy, Collector & District Magistrate, Chittoor, filed a detailed affidavit. We need not narrate herein the circumstances mentioned in the affidavit leading to the opening of the fire, as a result of which bullet wounds were received by Muthu and one Raja, resulting in their death. Orders were issued by Collector & District Magistrate, Chittoor, authorising Revenue Divisional Officer and Sub-Divisional Magistrate, Chittoor, to conduct a Magisterial enquiry into the circumstances leading to opening of the fire. Revenue Divisional Officer and Sub-Divisional Magistrate, Chittoor, gave wide publicity. Father of Raja and two others also attended the enquiry and ultimately report was submitted opining that there was no alternative for the Head Constable except to open fire and Head Constable was justified in his action. Magisterial enquiry report was submitted to the Government with a recommendation to sanction monetary relief to the father of deceased Raja. Government accepted the report, but did not consider it necessary to sanction ex-gratia to the families of the deceased criminals.

3. Father of Muthu did not show any interest after sending letter to this court. Even in his letter to the court, which is dated 21.08.1987, he did not impute any acts of omission or commission on the part of escort. He prayed for issuing a direction to the Government for rendering monetary assistance

since his son, who is the only source of income, died.

4. In the facts and circumstances of the case, the action of the Government cannot be faulted with in not accepting the recommendation of the Magisterial enquiry since the action of Head Constable in opening fire was found to be justified. No direction as such deserves to be issued in this petition, which stands closed.

ASSISTANT REGISTRAR.

// **TRUE COPY** //

SECTION OFFICER.

To

1 The Chief Minister, Government of A.P.,
HYD.

2 The Home Minister, Government of A.P.,
HYD.
3 The Chief Secretary, Govt. of A.P.,
HYD.
5 The Secretary, Social Welfare Dept. Govt. of A.P.,
HYD
6 The Dist Collector
Chitroor.
7. Two CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)
8. 2 CD Copies.

VRK.

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE Ms. JUSTICE G.ROHINI.

W.P.NO. 12885 OF 1987.

(Order of the Bench delivered by
Hon'ble The Chief Justice)

Dt: 15.06.2004.

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